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In re Application of	:	
LINDSTROM, Mari, et al.	:	
U.S. Application No.: 09/890,784	:	DECISION ON PETITION
PCT No.: PCT/FI00/00084	:	UNDER 37 CFR 1.182
International Filing Date: 07 February 2000	:	
Priority Date: 05 February 1999	:	
Attorney's Docket No.: 1499/00049	:	
For: POLYMER DISPERSION AND METHOD TO	:	
PRODUCE SAME	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 17 December 2001, which has been treated as a petition under 37 CFR 1.182 to treat applicants' 06 August 2001 submission as a national stage submission for the above captioned international application and not for the international application indicated on the concurrently filed Transmittal Letter filed by applicants on 06 August 2001. Applicants have been charged the required petition fee.

BACKGROUND

On 07 February 2000, applicants filed international application PCT/FI00/00084 which claimed a priority date of 05 February 1999 and which designated the United States. On 10 August 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 06 August 2001 (05 August 2001 was a Sunday).

On 06 August 2001, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials: (1) a copy of international application PCT/FI00/00084 (as published, in English), filed 07 February 2000; (2) a declaration executing PCT/FI00/00084; and (3) a check in the amount of \$1040 (\$1,000 as the basic national fee and \$40 for recordation of an assignment). However, the Transmittal Letter submitted by applicants misidentified the international application number as PCT/FI00/00015 (a separate international application filed by the same applicants on 10 January 2000); the Transmittal Letter also incorrectly stated the international filing date as 10 January 2000. Based on applicants' error, a national stage application file was created for PCT/FI00/00015, rather than for PCT/FI00/00084.

On 15 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a

Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, a surcharge for providing the oath or declaration later than thirty months from the priority date, an English translation of the proper international application (i.e., PCT/FI00/00015), and a processing fee for submitting the translation after the thirty month deadline were required. The Notification also informed applicants that the failure to submit these materials within two months of the date of the Notification would result in abandonment of the application.

On 17 December 2001, applicants filed the "Response To Notification Of Missing Requirements" considered herein. This Response included a corrected Transmittal Letter identifying the international application as PCT/FI00/00084, and setting forth the correct international filing date for this application (i.e. 07 February 2000).

DISCUSSION

In the present petition, applicants confirms that the listing of PCT/FI00/00015 in the original Transmittal Letter was incorrect, and that it was applicants' intent for the Transmittal Letter to refer to PCT/FI00/00084, the application attached to the original Transmittal Letter and the application referenced in the executed declaration submitted with the original Transmittal Letter. Applicant has also provided authorization to charge Deposit Account No.22-0185 for the required \$130 petition fee and a corrected copy of the Transmittal Letter. Accordingly, applicant's petition to correct the Transmittal Letter is granted. This national stage file (09/890,784) is the national stage of PCT/FI00/00084.

Because applicants submitted an English version of international application PCT/FI00/00084 on 06 August 2001, that portion of the Notification Of Missing Requirements which required a proper translation and the processing fee for a late translation is no longer applicable.

However, a review of the declaration filed on 06 August 2001 reveals that, although the declaration references the proper international application, one of the inventors executed the declaration under a different name from that listed in the published international application. Specifically, the inventor identified in the international application as Mari LINDSTROM executed the declaration under the name Mari NIINIKOSKI. Under M.P.E.P. Section 605.04(c), under such circumstances, a petition to change the name of an inventor must be made under 37 CFR 1.182 and it must include the petition fee and "an affidavit signed with both names setting forth the procedure whereby the change of name was effected" or "a certified copy of the court order." Thus, until a grantable petition is submitted, the declaration filed on 06 August 2001 cannot be accepted.

CONCLUSION

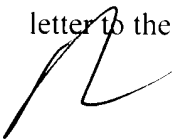
The petition under 37 CFR 1.182 **GRANTED**.

Deposit Account No. 22-0185 has been charged \$130 as the required petition fee.

This application is the national stage of PCT/FI00/00084 with an international filing date of 07 February 2000.

Applicant is given **TWO (2) MONTHS** from the mail date of this decision to submit a proper response. Such response would be an oath or declaration in compliance with 37 CFR 1.497 or, in the alternative, a grantable petition under 37 CFR 1.182 to change the name of inventor Mari LINDSTROM to Mari NIINIKOSKI, in the form discussed above. Failure to provide a timely and proper response will result in abandonment.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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